FILED IN OPEN COURT
NOV 16 2016
CLERK, U.S. DISTRICT COURT
NORFOLK, VA

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Norfolk Division

UNITED STATES OF AMERICA	)	CRIMINAL NO. 2:16cr 156
	)	
v.	)	21 U.S.C. §§ 841(a)(1) and (b)(1)(C)
	)	Possession with Intent to Distribute Heroin
PATRICK SIMMONS,	)	(Count 1)
	)	
Defendant.	)	21 U.S.C. §§ 841(a)(1) and (b)(1)(C)
	)	Possession with Intent to Distribute Fentanyl
	)	(Count 2)
	)	
	)	18 U.S.C. §§ 922(g)(1) and 924(a)(2)
	)	Felon in Possession of a Firearm
	)	(Count 3)
	)	
	)	18 U.S.C. § 924(d), 21 U.S.C. § 853,
	)	28 U.S.C. § 2461
	)	Asset Forfeiture

INDICTMENT

NOVEMBER 2016 TERM – at Norfolk, Virginia

THE GRAND JURY CHARGES THAT:

COUNT ONE
(Possession with Intent to Distribute Heroin)

On or about February 12, 2015, in the Eastern District of Virginia, the defendant, PATRICK SIMMONS, did unlawfully, knowingly and intentionally possess with intent to distribute a mixture and substance containing a detectable amount of heroin, a schedule I controlled substance.

(In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).)

COUNT TWO
(Possession with Intent to Distribute Fentanyl)

On or about February 12, 2015, in the Eastern District of Virginia, the defendant, PATRICK SIMMONS, did unlawfully, knowingly and intentionally possess with intent to distribute a mixture and substance containing a detectable amount of fentanyl, a schedule II controlled substance.

(In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).)

COUNT THREE
(Felon in Possession of Firearm)

On or about February 12, 2015, in the Eastern District of Virginia, the defendant, PATRICK SIMMONS, having been previously convicted in a court of a crime punishable by imprisonment for a term exceeding one year, did knowingly and unlawfully possess in and affecting commerce a firearm, to wit: one (1) Kahr .45 caliber handgun, which had been shipped and transported in interstate and foreign commerce.

(In violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).)

FORFEITURE ALLEGATION

THE GRAND JURY FURTHER FINDS PROBABLE CAUSE TO BELIEVE THAT, AND ALLEGES THAT:

1. The defendant, if convicted of the violations alleged in Count One or Count Two of this Indictment, shall forfeit to the United States, as part of the sentencing pursuant to Federal Rule of Criminal Procedure 32.2:
   a. Any property constituting, or derived from, any proceeds the defendant obtained, directly or indirectly, as the result of the violation; and
   b. Any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the violation.
2. The defendant, if convicted of the violations alleged in Count Three of this Indictment, shall forfeit to the United States, as part of the sentencing pursuant to Federal Rule of Criminal Procedure 32.2, any firearm or ammunition involved in or used in the violation.
3. If any property that is subject to forfeiture above, as a result of any act or omission of the defendant, (a) cannot be located upon the exercise of due diligence, (b) has been transferred to, sold to, or deposited with a third party, (c) has been placed beyond the jurisdiction of the Court, (d) has been substantially diminished in value, or (e) has been commingled with other property that cannot be divided without difficulty, it is the intention of the United States to seek forfeiture of any other property of the defendant, as subject to forfeiture under Title 21, United States Code, Section 853(p).The property subject to forfeiture includes, but is not limited to, the following property:
   a. One (1) Kahr .45 caliber handgun and all associated ammunition.

(In accordance with 18 U.S.C. § 924(d) by 28 U.S.C. § 2461, and 21 U.S.C. § 853.)

United States v. Patrick Simmons
2:16cr 156

A TRUE BILL

Redacted
Foreperson

Dana J. Boente
United States Attorney

By: ______________________
Andrew C. Bosse
Assistant United States Attorney